

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

<b>ANDREW M. GABRIEL</b>	)	
<i>on behalf of himself and all others</i>	)	
<i>similarly situated,</i>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 14-0980
	)	
<b>GIANT EAGLE, INC.,</b>	)	Chief United States District Judge
<b>MARCKISOTTO MARKETS INC.</b>	)	Joy Flowers Conti
<i>doing business as</i>	)	
"EDGEWOOD GIANT EAGLE" or	)	United States Magistrate Judge
<i>doing business as</i>	)	Cynthia Reed Eddy
"GIANT EAGLE" or	)	
<i>doing business as</i>	)	
"GIANT EAGLE PHARMACY #24",	)	
<b>SHAKESPEARE STREET ASSOCIATES</b>	)	
<b>GP LLC, doing business as</b>	)	
"GIANT EAGLE" or	)	
<i>doing business as</i>	)	
"SHAKESPEARE GIANT EAGLE" or	)	
<i>doing business as</i>	)	
"GIANT EAGLE PHARMACY #17" and	)	
<b>CVS PHARMACY, INC.,</b>	)	
<i>doing business as "CVS" or</i>	)	
<i>doing business as</i>	)	
"CVS STORE #4091"	)	
	)	
Defendants.	)	

**ORDER**

AND NOW, this 11th day of December, 2014, it is hereby **ORDERED, ADJUDGED**  
**AND DECREED** that for the reasons set forth in the accompanying memorandum opinion,  
plaintiff's motion to remand to state court (ECF No. 3) is **DENIED**, and his objections to the  
report and recommendation (ECF No. 25) are **OVERRULED**.

It is further **ORDERED** that the report and recommendation (ECF No. 24), as supplemented by the accompanying memorandum opinion, is **ADOPTED** as the opinion of the court.

It is further **ORDERED** that the matter is remanded back to the magistrate judge for all further pretrial proceedings.

BY THE COURT:

Dated: December 12, 2014

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief, United States District Judge

cc: all counsel of record via CM-ECF